

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MEGAN HANFORD,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

CASE NO. 2:16-cv-00921-JRC

ORDER ON STIPULATED MOTION FOR EQUAL ACCESS TO JUSTICE ACT FEES AND FOR COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5).

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken, pursuant to the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act
2 Fees and Expenses (*see* Dkt. 15).

3 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of
4 the parties (*see* Dkt. 15), time and expense itemizations (Dkt. 15, Attachment 2), and the relevant
5 record, it is hereby ORDERED that EAJA attorney's fees of \$9,038.30 shall be awarded to
6 plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010
7 U.S. LEXIS 4763 at ***6-***7 (2010).

8 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
9 pursuant to 28 U.S.C. §1920. Plaintiff's attorney shall refund to plaintiff any money paid toward
10 these costs.

11 The Acting Commissioner agrees to contact the Department of Treasury after the Order
12 for EAJA fees and costs is entered to determine if the EAJA fees and costs are subject to any
13 offset. If it is determined that plaintiff's EAJA fees and costs are not subject to any offset
14 allowed pursuant to the Department of the Treasury's Offset Program, then the checks for EAJA
15 fees and costs shall be made payable to Dellert Baird Law Offices, PLLC, based on plaintiff's
16 assignment of these amounts to plaintiff's attorney. If there is an offset, the remainder shall be
17 made payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*,
18 Case No. 2:15-cv-122, Dkt. 22, p. 4). Any checks for EAJA fees and costs shall be mailed to
19 plaintiff's counsel, Dellert Baird Law Offices, PLLC, at P.O. Box 97301, Lakewood, WA 98301.

20 Dated this 27th day of March, 2017.

21 
22 J. Richard Creatura
23 United States Magistrate Judge
24